

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

UNITED STATES OF AMERICA,) CIVIL ACTION NO. 3:12-2285-MBS
)
Plaintiff,)
)
vs.)
)
\$118,038 IN FUNDS SEIZED FROM)
BANK ACCOUNT X0601, IN THE)
NAME OF KELVIN L. CARTER, d/b/a)
EZ SHOP 1, SEIZED FROM FIRST)
CITIZENS BANK AND TRUST,)
)
Defendant *in Rem.*)

CONSENT ORDER OF FORFEITURE

This *in rem* forfeiture action was filed on August 10, 2012, concerning \$118,038 (the “Defendant Funds”) seized on or about March 20, 2012, by the United States Secret Service (“USSS”), pursuant to a seizure warrant issued by United States Magistrate Judge Thomas E. Rogers.

The Government served the known potential claimants, including Kelvin L. Carter (“Claimant”), by providing them with actual notice, as set forth in the Notice of Judicial Forfeiture filed with the court on August 14, 2012 (ECF No. 5). As set forth in the Declaration of Publication filed on October 16, 2012 (ECF No. 7), and in accordance with Supplemental Rule G(4), Fed.R.Civ.P., notice of this forfeiture action was published on an official internet government forfeiture site, “www.forfeiture.gov”, for at least 30 consecutive days, beginning on August 16, 2012, and ending on September 14, 2012. Any person claiming an interest in the Defendant Funds was required to file a claim within sixty days after the first date of

such publication (by October 15, 2012). All time limits for the filing of claims have now expired, with no requests for extensions of such time limits having been requested or granted.

The United States and Claimant have reached the following settlement. First, \$25,000 of the Defendant Funds are to be returned to Claimant by the Government by electronic funds transfer payment from the United States to "Douglas Jennings Law Firm, LLC, IOLTA Account."¹ Second, the balance of the Defendant Funds, to wit, \$93,038, is to be found and held forfeited, condemned, quit-claimed, and abandoned to the United States, and shall be disposed of by the United States pursuant to law as a forfeited asset.

NOW THEREFORE, the Court being fully advised, and based on the Stipulation for Compromise Settlement, which is incorporated herein by reference, it is

ORDERED, ADJUDGED, AND DECREED, that:

1. All persons and entities other than Kelvin L. Carter claiming any right, title or interest in or to the Defendant Funds are hereby held in default; and default judgment is entered against them.

¹Federal law, codified at 31 U.S.C. § 3716 (the "Debt Collection Improvement Act of 1996"), requires the Department of the Treasury and other disbursing officials to offset Federal payments to collect delinquent tax and non-tax debts owed to the United States, and to individual states. If an offset is made to the payment to be made pursuant to this Order of the Court, Claimants will receive a notification from the Department of the Treasury at the last address provided by Claimants to the governmental agency or entity to whom the offset payment is made. The terms of the settlement specifically do not affect the tax obligations, fines, penalties, or any other monetary obligations, if any exist, that the Claimant may owe to the United States or an individual state, and in fact, are intended to satisfy such a tax obligations. Therefore, the exact sum delivered to Counsel, on behalf of his clients, may be a lesser sum, if the Treasury Offset Program reduces the amount in satisfaction of a debt obligation.

2. Pursuant to 31 U.S.C. § 5317, the balance of the Defendant Funds, to wit, \$93,038, is hereby forfeited, condemned, quit-claimed and abandoned to the United States of America.

3. Clear title in and to the aforesaid \$93,038 of the Defendant Funds are hereby vested in the United States of America, and no other right, title or interest exists therein. All other claims in or to said \$93,038 of the Defendant Funds are hereby forever foreclosed and barred.

4. The \$93,038 of the Defendant Funds forfeited herein shall be disposed of by the Government in accordance with law.

SO ORDERED this 5th day of December, 2012.

/s/Margaret B. Seymour
Margaret B. Seymour
Chief United States District Judge

Columbia, South Carolina